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**SENATE BILL 1021**

**47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005**

**INTRODUCED BY**

**Leonard Lee Rawson**

**AN ACT**

**RELATING TO CHILD WELFARE; REQUIRING NOTICE TO FAMILIES OF  
SPECIFIC ALLEGATIONS OF A COMPLAINT INVOLVING CHILD PROTECTIVE  
SERVICES.**

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:**

**Section 1. Section 9-2A-8 NMSA 1978 (being Laws 1992,  
Chapter 57, Section 8, as amended) is amended to read:**

**"9-2A-8. DEPARTMENT--ADDITIONAL DUTIES.--In addition to  
other duties provided by law or assigned to the department by  
the governor, the department shall:**

**A. develop priorities for department services and  
resources based on state policy and national best-practice  
standards and local considerations and priorities;**

**B. strengthen collaboration and coordination in  
state and local services for children, youth and families by**

underscored material = new  
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1 integrating critical functions as appropriate, including  
2 service delivery and contracting for services across divisions  
3 and related agencies;

4 C. develop and maintain a statewide database,  
5 including client tracking of services for children, youth and  
6 families;

7 D. develop standards of service within the  
8 department that focus on prevention, monitoring and outcomes;

9 E. analyze policies of other departments that  
10 affect children, youth and families to encourage common  
11 contracting procedures, common service definitions and a  
12 uniform system of access;

13 F. enact regulations to control disposition and  
14 placement of children under the Children's Code, including  
15 regulations to limit or prohibit the out-of-state placement of  
16 children, including those who have developmental disabilities  
17 or emotional, neurobiological or behavioral disorders, when in-  
18 state alternatives are available, and including training for  
19 protective services division employees involved in a  
20 preliminary investigation pursuant to Section 32A-4-4 NMSA  
21 1978;

22 G. develop reimbursement criteria for licensed  
23 child care centers and licensed home providers establishing  
24 that accreditation by a department-approved national  
25 accrediting body is sufficient qualification for the child care

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1 center or home provider to receive the highest reimbursement  
2 rate paid by the department;

3 H. assume and implement responsibility for  
4 children's mental health and substance abuse services in the  
5 state, coordinating with the human services department and the  
6 department of health;

7 I. assume and implement the lead responsibility  
8 among all departments for domestic violence services;

9 J. implement prevention and early intervention as a  
10 departmental focus;

11 K. conduct biennial assessments of service gaps and  
12 needs and establish outcome measurements to address those  
13 service gaps and needs, including recommendations from the  
14 governor's children's cabinet and the children, youth and  
15 families advisory committee; and

16 L. ensure that behavioral health services provided,  
17 including mental health and substance abuse services for  
18 children, adolescents and their families, shall be in  
19 compliance with requirements of Section 9-7-6.4 NMSA 1978. "

20 Section 2. Section 32A-4-4 NMSA 1978 (being Laws 1993,  
21 Chapter 77, Section 98) is amended to read:

22 "32A-4-4. COMPLAINTS--REFERRAL--PRELIMINARY INQUIRY.--

23 A. Complaints alleging neglect or abuse shall be  
24 referred to the department, which shall conduct an  
25 investigation to determine the best interests of the child with

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1 regard to any action to be taken.

2 B. During the investigation of a complaint alleging  
3 neglect or abuse, the matter may be referred to another  
4 appropriate agency, and conferences may be conducted for the  
5 purpose of effecting adjustments or agreements that will  
6 obviate the necessity for filing a petition. At the  
7 commencement of the investigation, the parties shall be advised  
8 of their basic rights and of specific allegations that gave  
9 rise to the investigation, and no party may be compelled to  
10 appear at any conference, to produce any papers or to visit any  
11 place. The investigation shall be completed within a  
12 reasonable period of time from the date the complaint was made.

13 C. After completion of the investigation on a  
14 neglect or abuse complaint, the department shall either  
15 recommend or refuse to recommend the filing of a petition.

16 D. The department shall file a petition within two  
17 days after the date that the child is taken into custody. When  
18 a petition is not filed in a timely manner, the child shall be  
19 released to the child's parent, guardian or custodian."